

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JUSTIN SHELTON, §
§
Plaintiff, §
§
v. §
§
SHERIFF TRACY MURPHREE and §
CHIEF DEPUTY DEWAYNE §
DOCKERY, §
§
Defendants. §

Civil Action No. 4:20-cv-453-RAS-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 23, 2022, the report of the Magistrate Judge (the “Report”) (Dkt. #19) was entered containing proposed findings of fact and recommendations that Defendants Sheriff Tracy Murphree (“Sheriff Murphree”) and Chief Deputy Dewayne Dockery’s (“Chief Deputy Dockery”) Motion to Dismiss (the “Motion to Dismiss”) (Dkt. #16) be granted. The Report (Dkt. #19) further recommended that to the extent Plaintiff is requesting relief under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), such claim be dismissed without prejudice for lack of subject-matter jurisdiction, and that Plaintiff’s claims under 42 U.S.C. § 1983 for alleged violations of the First and Fourteenth Amendments against Sheriff Murphree and Chief Deputy Dockery be dismissed with prejudice.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that the Motion to Dismiss (Dkt. #16) is **GRANTED**, Plaintiff's claims under RLUIPA are **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction, Plaintiff's claims under 42 U.S.C. § 1983 for alleged violations of the First and Fourteenth Amendments against Sheriff Murphree and Chief Deputy Dockery are **DISMISSED WITH PREJUDICE**, and the Clerk of Court is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this the 25th day of January, 2023.


RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE